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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,567	05/25/2000	Marilee G. Berry	99PS014/KE	6188

7590 06/05/2003
Rockwell Collins Inc
Attention Kyle Eppele
400 Collins Rd NE
Cedar Rapids, IA 52498

EXAMINER

HOYE, MICHAEL W

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 06/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/578,567

Applicant(s)

BERRY, MARILEE G.

Examiner

Michael W. Hoyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) and 37 CFR 1.84(o) because they fail to show labels of the parts or features as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because in Figure 4 reference characters "410" and "510" have both been used to designate Audio Video Unit (AVU) and reference characters "420" and "520" have both been used to designate a Display. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: on page 6, line 4, "digital media storage unit 230" should be --130--, and on page 7, line 21, "ADB...211" should be --220--.

Appropriate correction is required.

Claim Objections

4. Claim 11 is objected to because of the following informalities: on line 2 of the claim, the word “one” in “video-one-demand” should be --on--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-7 and 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Weinberger (USPN 6,499,027), cited by the examiner

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C.

102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

As to claim 1, note the Weinberger reference which discloses a method of indicating program selections in a passenger entertainment system including a seat controller unit receiving programming signals over a plurality of radio frequency (RF) channels and generating display signals from the programming signals, wherein the program selections are made through a

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passenger control unit. The claimed step of assigning a program channel to each of the program selections available to the passenger is met by the broadcast station/headend providing the program selections on different channels (col. 2, lines 64-67, col. 9, lines 22-33, col. 62, lines 43-56 and col. 64, lines 15-26). The claimed allocating one of the RF channels to carry programming signals corresponding to more than one program channel is met by the first video modulator 212a modulates both the NTSC video streams from the video reproducer 227 and the quadrature amplitude modulated MPEG-compressed video streams from the media server 211 to produce modulated RF signals that are distributed to passenger seats 123 of the aircraft 111. (see col. 9, lines 22-34 and col. 13, lines 5-18). The claimed displaying the program channel corresponding to a program selection carried on an RF channel, and displaying the program channel corresponding to another program selection in response to a change in the program selection using the passenger control unit is met by the passenger control unit 121 in Fig. 8 and the channel up/down button 381 (also see col. 1, lines 64-65, col. 2, lines 64-67, col. 6, lines 60-67, col. 13, lines 19-40 and 50-65).

As to claim 2, the Weinberger reference discloses the step of displaying the display signals of the programming signals corresponding to the program selection as described above in claim 1, as well as in col. 14, line 55.

As to claim 3, the Weinberger reference further discloses the claimed program selection is changed using up/down channel selection buttons on the passenger control unit as shown by the passenger control unit 121 and the channel up/down button 381 in Fig. 8 and as previously described above in claim 1. The claimed displaying a program channel that is next in sequence to a current program selection in response to an up channel selection and displaying a program

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channel that is previous in sequence to a current program selection in response to a down channel selection is inherent to up/down channel selection buttons.

As to claim 4, the Weinberger reference discloses the claimed allocated one of the RF channels carries a plurality of data streams, each carrying programming signals corresponding to a different one of said more than one program channel as met by the plurality of video channels on MPEG transport streams which are distributed to passenger seats on a RF channel or channels (col. 9, lines 22-33).

As to claim 5, the claimed retrieving configuration data that specifies the number of RF channels is met by the headend equipment 200 and the primary access terminal 225 as shown in Fig. 3 (see col. 8, lines 5-16 & 46-59). The claimed allocating a first plurality of RF channels to carry programming signals from a first device generating NTSC video streams and allocating a second plurality of RF channels to carry programming signals from a second device generating MPEG video streams based on the configuration data is met by the video reproducer 227 and the media server 211 as shown in Fig. 3 (see col. 9, lines 22-33).

As to claim 6, the claimed first plurality of RF channels carries a single NTSC video stream and each of the second plurality of RF channels carries multiple MPEG video streams is also disclosed in col. 9, lines 22-33.

As to claim 7, the claimed allocating one of the second plurality of RF channels to carry multiple MPEG video streams corresponding to one program channel is met by the MPEG streams may contain many streams of video, audio and data information...(see col. 13, lines 5-18).

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As to claim 10, the claimed one program channel corresponds to a video-on-demand program channel is met by the MPEG encoded signals delivered by the media server 211 that comprises a video-on-demand (VOD) server (col. 12, lines 60-61).

As to claim 11, the claimed multiple MPEG video streams corresponding to the video-on-demand program channel corresponding to different program selections is met by the MPEG encoded signals which correspond to different program selections and are delivered by the media server 211 that comprises a video-on-demand (VOD) server (col. 12, lines 60-61), the programs are transmitted over one RF channel as previously described above, and at a start time commanded by the passenger is inherent to a VOD system.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weinberger.

As to claims 8 and 9 the Weinberger reference discloses a VOD system as described above. The Weinberger reference does not explicitly disclose a near video-on-demand program channel. However, the examiner takes Official Notice that it is notoriously well known in the art of video distribution systems to use near video-on-demand systems for the advantage of not having as much equipment and storage capacity as a VOD system since a near VOD system only

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plays programs at, for example, 15 minute intervals, whereas, a VOD system must be able to transmit a program to various users at any given time which requires much greater system capacity. In addition, near VOD systems are well known and used in headend video distribution systems. Therefore, it is submitted that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of a near VOD program channel for the advantages given above. Moreover, pertaining to claim 9, it is also well known in the art to transmit multiple MPEG video streams over a RF channel at different start times for a near VOD program channel.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Troxel et al (USPN 6,014,381) – Discloses a system and method for distributing information throughout an aircraft.

Booth et al (USPN 5,835,127) – Discloses an integrated electronic system that includes a passenger control unit with a display.

Sklar et al (USPN 5,760,819) – Discloses an aircraft television distribution system.

Kondo et al (USPN 5,666,151) – Discloses a multiple audio and video signal providing apparatus with RF distribution equipped in an aircraft.

Reed et al (USPN 6,058,288) – Discloses a passenger service and entertainment system.

Wakai et al (USPN 5,973,722) – Discloses an in-flight passenger entertainment system with combined audio/video on demand and broadcast distribution system.

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Galipeau et al (USPN 6,249,913) – Discloses an aircraft data management system with passenger entertainment options .

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoyer whose telephone number is (703) 305-6954.

The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (703) 305-4795.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

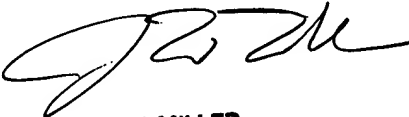
or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Michael W. Hoyer
May 31, 2003


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600